

SUBSTITUTE FOR
SENATE BILL NO. 74

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1310b (MCL 380.1310b), as added by 2011 PA 241.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310b. (1) ~~Subject to subsection (3), not later than 6~~
2 ~~months after the effective date of this section, the~~ **THE** board of a
3 school district or intermediate school district or board of
4 directors of a public school academy shall adopt and implement a
5 policy prohibiting bullying at school, as defined in this section.
6 (2) Subject to subsection (3), before adopting the policy
7 required under subsection (1) **OR ANY MODIFICATION TO THE POLICY,**
8 the board or board of directors shall hold at least 1 public

1 hearing on the proposed policy **OR MODIFICATION**. This public hearing
2 may be held as part of a regular board meeting. Subject to
3 subsection (3), not later than 30 days after adopting **OR MODIFYING**
4 the policy **UNDER SUBSECTION (1)**, the board or board of directors
5 shall submit a copy of its policy to the department.

6 (3) If, as of the effective date of **THE 2014 AMENDMENTS TO**
7 this section, a school district, intermediate school district, or
8 public school academy has already adopted and implemented an
9 existing policy prohibiting bullying at school and that policy is
10 in compliance with ~~subsection~~ **SUBSECTIONS (1) AND** (5), the board of
11 the school district or intermediate school district or board of
12 directors of the public school academy is not required to adopt and
13 implement a ~~new~~ **MODIFIED** policy under subsection (1). However, this
14 subsection applies to a school district, intermediate school
15 district, or public school academy described in this subsection
16 only if the board or board of directors submits a copy of its
17 policy to the department not later than 60 days after the effective
18 date of **THE 2014 AMENDMENTS TO** this section.

19 (4) Not later than 1 year after the deadline under subsection
20 (2) for districts and public school academies to submit copies of
21 their **MODIFIED** policies to the department, the department shall
22 submit a report to the senate and house standing committees on
23 education summarizing the status of the implementation of **THE**
24 **MODIFICATIONS TO** policies **REQUIRED** under **THE 2014 AMENDMENTS TO**
25 this section.

26 (5) A policy adopted pursuant to subsection (1) shall include
27 at least all of the following:

1 (a) A statement prohibiting bullying of a pupil. **NOT LATER**
2 **THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE 2014 AMENDMENTS TO**
3 **THIS SECTION, THIS STATEMENT SHALL BE MODIFIED AS NECESSARY TO**
4 **COMPLY WITH THE 2014 AMENDMENTS TO THIS SECTION INCLUDING, BUT NOT**
5 **LIMITED TO, THE INCLUSION OF CYBERBULLYING AS A FORM OF BULLYING.**

6 (b) A statement prohibiting retaliation or false accusation
7 against a target of bullying, a witness, or another person with
8 reliable information about an act of bullying.

9 (c) A provision indicating that all pupils are protected under
10 the policy and that bullying is equally prohibited without regard
11 to its subject matter or motivating animus.

12 (d) The identification by job title of school officials
13 responsible for ensuring that the policy is implemented.

14 (e) A statement describing how the policy is to be publicized.

15 (f) A procedure for providing notification to the parent or
16 legal guardian of a victim of bullying and the parent or legal
17 guardian of a perpetrator of the bullying.

18 (g) A procedure for reporting an act of bullying.

19 (h) A procedure for prompt investigation of a report of
20 violation of the policy or a related complaint, identifying either
21 the principal or the principal's designee as the person responsible
22 for the investigation.

23 (i) A procedure for each public school to document any
24 prohibited incident that is reported and a procedure to report all
25 verified incidents of bullying and the resulting consequences,
26 including discipline and referrals, to the board of the school
27 district or intermediate school district or board of directors of

1 the public school academy on an annual basis.

2 (J) AN ASSURANCE OF CONFIDENTIALITY FOR AN INDIVIDUAL WHO
3 REPORTS AN ACT OF BULLYING AND PROCEDURES TO SAFEGUARD THAT
4 CONFIDENTIALITY.

5 (6) The legislature encourages a board or board of directors
6 to include all of the following in the policy required under this
7 section:

8 (a) Provisions to form bullying prevention task forces,
9 programs, teen courts, and other initiatives involving school
10 staff, pupils, school clubs or other student groups,
11 administrators, volunteers, parents, law enforcement, community
12 members, and other stakeholders.

13 (b) A requirement for annual training for administrators,
14 school employees, and volunteers who have significant contact with
15 pupils on preventing, identifying, responding to, and reporting
16 incidents of bullying.

17 (c) A requirement for educational programs for pupils and
18 parents on preventing, identifying, responding to, and reporting
19 incidents of bullying and cyberbullying.

20 (7) THE DEPARTMENT SHALL ESTABLISH A FORM AND PROCEDURE FOR
21 SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO REPORT INCIDENTS OF
22 BULLYING TO THE DEPARTMENT ON AN ANNUAL BASIS AND SHALL MAKE THIS
23 INFORMATION READILY AVAILABLE TO THE PUBLIC. A SCHOOL DISTRICT OR
24 PUBLIC SCHOOL ACADEMY SHALL REPORT INCIDENTS OF BULLYING TO THE
25 DEPARTMENT ACCORDING TO THE FORM AND PROCEDURES ESTABLISHED BY THE
26 DEPARTMENT. THE DEPARTMENT SHALL ENSURE THAT THE INFORMATION
27 COLLECTED AND MADE AVAILABLE UNDER THIS SUBSECTION DOES NOT INCLUDE

1 PERSONALLY IDENTIFIABLE INFORMATION ABOUT ANY INDIVIDUAL WHO
2 REPORTS OR IS INVOLVED IN A SPECIFIC INCIDENT OF BULLYING.

3 (8) ~~(7)~~—A school employee, school volunteer, pupil, or parent
4 or guardian who promptly reports in good faith an act of bullying
5 to the appropriate school official designated in the school
6 district's or public school academy's policy and who makes this
7 report in compliance with the procedures set forth in the policy is
8 immune from a cause of action for damages arising out of the
9 reporting itself or any failure to remedy the reported incident.
10 However, this immunity does not apply to a school official who is
11 designated under subsection (5)(d), or who is responsible for
12 remedying the bullying, when acting in that capacity.

13 (9) IF THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
14 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY AMENDS OR
15 OTHERWISE MODIFIES ITS POLICY REQUIRED UNDER THIS SUBSECTION AT ANY
16 TIME AFTER A COPY OF THE POLICY WAS INITIALLY SUBMITTED TO THE
17 DEPARTMENT UNDER SUBSECTION (2) OR (3), THE BOARD OR BOARD OF
18 DIRECTORS SHALL SUBMIT A COPY OF THE MODIFIED POLICY TO THE
19 DEPARTMENT NOT LATER THAN 30 DAYS AFTER ADOPTING THE MODIFICATION.

20 (10) ~~(8)~~—As used in this section:

21 (a) "At school" means in a classroom, elsewhere on school
22 premises, on a school bus or other school-related vehicle, or at a
23 school-sponsored activity or event whether or not it is held on
24 school premises. "At school" includes conduct using a
25 telecommunications access device or telecommunications service
26 provider that occurs off school premises if the telecommunications
27 access device or the telecommunications service provider is owned

1 by or under the control of the school district or public school
2 academy.

3 (b) "Bullying" means any written, verbal, or physical act, or
4 any electronic communication, **INCLUDING, BUT NOT LIMITED TO,**
5 **CYBERBULLYING**, that is intended or that a reasonable person would
6 know is likely to harm 1 or more pupils either directly or
7 indirectly by doing any of the following:

8 (i) Substantially interfering with educational opportunities,
9 benefits, or programs of 1 or more pupils.

10 (ii) Adversely affecting the ability of a pupil to participate
11 in or benefit from the school district's or public school's
12 educational programs or activities by placing the pupil in
13 reasonable fear of physical harm or by causing substantial
14 emotional distress.

15 (iii) Having an actual and substantial detrimental effect on a
16 pupil's physical or mental health.

17 (iv) Causing substantial disruption in, or substantial
18 interference with, the orderly operation of the school.

19 (c) **"CYBERBULLYING" MEANS ANY ELECTRONIC COMMUNICATION THAT IS**
20 **INTENDED OR THAT A REASONABLE PERSON WOULD KNOW IS LIKELY TO HARM 1**
21 **OR MORE PUPILS EITHER DIRECTLY OR INDIRECTLY BY DOING ANY OF THE**
22 **FOLLOWING:**

23 (i) **SUBSTANTIALLY INTERFERING WITH EDUCATIONAL OPPORTUNITIES,**
24 **BENEFITS, OR PROGRAMS OF 1 OR MORE PUPILS.**

25 (ii) **ADVERSELY AFFECTING THE ABILITY OF A PUPIL TO PARTICIPATE**
26 **IN OR BENEFIT FROM THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL'S**
27 **EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE PUPIL IN**

1 REASONABLE FEAR OF PHYSICAL HARM OR BY CAUSING SUBSTANTIAL
2 EMOTIONAL DISTRESS.

3 (iii) HAVING AN ACTUAL AND SUBSTANTIAL DETRIMENTAL EFFECT ON A
4 PUPIL'S PHYSICAL OR MENTAL HEALTH.

5 (iv) CAUSING SUBSTANTIAL DISRUPTION IN, OR SUBSTANTIAL
6 INTERFERENCE WITH, THE ORDERLY OPERATION OF THE SCHOOL.

7 (D) ~~(e)~~ "Telecommunications access device" and
8 "telecommunications service provider" mean those terms as defined
9 in section 219a of the Michigan penal code, 1931 PA 328, MCL
10 750.219a.

11 (11) ~~(9)~~ This section shall be known as ~~"Matt's"~~ **"THE MATT**
12 **EPLING** Safe School Law".